



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 26 2013

Ref: 8ENF-RC

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Registered Agent for Guardian Life Insurance
Company of America (ID No. 19871008071)
Division of Insurance
1560 Broadway
Denver, CO 80202

Re: Request for Information Pursuant to Section 104(e) of CERCLA,
Widefield PCE Site, SSID# 08-SQ, Colorado Springs and Security, Colorado.

Dear Sir or Madam:

This letter seeks your cooperation in providing information and documents relating to the Widefield PCE Site (Site) located in Colorado Springs and Security, Colorado. The U.S. Environmental Protection Agency (EPA) is investigating the identification, nature, and quantity of materials that have been generated, treated, stored or disposed at, or transported to, the Site; the nature or extent of the release of a hazardous substance, pollutant or contaminant at the Site; and information relating to the ability of persons to pay for or to perform a cleanup at the Site.

Pursuant to the authority of section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604, as amended, you are hereby requested to respond to the Information Request set forth in Enclosure 1, attached hereto.

The U.S. Environmental Protection Agency (EPA) is writing to you because the EPA has information that Guardian Life Insurance Company of America owned the Mission Trace Shopping Center located at 3205 South Academy Boulevard, Colorado Springs, Colorado, which is part of the Site. Investigations at the Site have shown that the groundwater beneath the shopping center is contaminated with Tetrachloroethylene (PCE), a chemical used in dry cleaning. The source of the PCE appears to be the Kings One Hour Cleaners which operated at the Mission Trace Shopping Center from about 1986 to 2010.

Please respond to the Information Request within 30 days. Failure to respond fully and truthfully, or to adequately justify your failure to respond, can result in an enforcement action by the EPA, pursuant to Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), and the imposition of penalties of up to \$37,500 per day of non-compliance. Please be further advised that providing false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, *et seq.*

Your response to this request must be accompanied by a notarized certificate that is signed and dated by the person who is authorized by you to respond to this request. The notarized certificate must state that the response submitted to the EPA is complete and contains all documents and information responsive to this request that are known to you following a complete and thorough review of all information and sources available to you. A suggested format for the notarized certificate is included with this request as Enclosure 2.

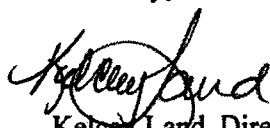
Your response to this Information Request should be mailed to:

Virginia Phillips
U.S. EPA Region 8
Technical Enforcement Program, 8ENF-RC
1595 Wynkoop Street
Denver, Colorado 80202

The EPA strongly encourages you to give this matter your immediate attention and respond to the Information Request within the time specified above. If you have any legal or technical questions relating to the Information Request, you may consult with the EPA prior to the deadline specified above. Please direct legal questions to Richard Sisk, Attorney, at (303) 312-6638, and technical questions to Virginia Phillips, Enforcement Specialist, at (303) 312-6197.

Thank you for your cooperation in this matter.

Sincerely,



Kelcey Land, Director
RCRA/CERCLA Technical Enforcement Program,
Office of Enforcement, Compliance,
And Environmental Justice



Andrea Madigan, Supervisory Attorney
Legal Enforcement Program,
Office of Enforcement, Compliance,
And Environmental Justice

Enclosures

cc: Carl Spreng, HMWMD, CDPHE (w/enclosures)
Richard Sisk, Esq., EPA Site Attorney, Mail Code 8ENF-L (w/o enclosures)
Paul Peronard, EPA OSC, 8EPR-SA (w/o enclosures)
Virginia Phillips, EPA, 8ENF-RC (w/enclosures)
CERCLIS IMC (Dianna Lim), 8EPR-PS (w/o enclosures)

ENCLOSURE 1

INSTRUCTIONS FOR THE INFORMATION REQUEST WIDEFIELD PCE PLUME, SSID #08-SQ REQUEST #1

1. Please provide a separate narrative response to every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Should you find, at any time after the submission of your response, that any portion of the information you submitted is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it corresponds.
5. The information requested herein must be provided even though you may contend that it includes possible confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. § 9604(e)(7)(E) and (F). To justify your claim for confidentiality, you must provide the following information for each document or information which you claim is confidential:
 - (a) The portions of the document information you claim should be entitled to confidential treatment;
 - (b) The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - (c) Measures taken by you to guard against the undesired disclosure of the information to others;
 - (d) The extent to which the information has already been disclosed to others, including other state or federal agencies, and the precautions taken in connection therewith; and
 - (e) Any confidentiality determinations by the EPA or other state or federal agencies, and a copy of any such determinations or reference to them, if available.

If you assert that disclosure of the information would likely result in substantial harm to your business competitive position, what are those harmful effects, why should they be viewed as substantial, and what would the causal relationship be between disclosure and such harmful effects?

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, and that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent. Information covered by such a confidentiality claim will be disclosed by the EPA only to the extent permitted by CERCLA Section 104(e). If no such confidentiality claim accompanies the information when it is received by the EPA, the information may be made available to the public by the EPA without further notice to you.

6. Information you submit in response to this Information Request may be disclosed to representatives of the United States, authorized under 40 C.F.R. Section 2.310(h), even if you assert a confidentiality claim. Please be advised that the EPA may disclose all responses to this Information Request to a private enforcement support services contractor employed by the EPA for the purpose of organizing and analyzing your response to this Information Request. If you submit information you claim should be entitled to treatment as confidential business information, you may comment on the above-mentioned possible disclosure within fourteen days of receiving this Information Request.

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**DEFINITIONS AND INFORMATION
WIDEFIELD PCE PLUME, SSID#08-SQ
REQUEST #1**

The following terms and definitions shall apply to this information request.

1. The following terms have the same definition as contained in CERCLA:
 - a. "Facility" - Section 101(9);
 - b. "Hazardous substance" - Section 101(14) (including any mixture of hazardous substances with other substances, including petroleum products);
 - c. "Person" - Section 101(21) (including an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body);
 - d. "Pollutant or contaminant" - Section 101(33) (including any mixture of hazardous substances with other substances, including petroleum products); and
 - e. "Release" - Section 101(22) (includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).
2. "Arrangement" means every separate contract or other agreement between two or more "persons," as "person" is defined above.
3. The terms "document" and "documents" mean any written, digital, recorded or visually or aurally reproduced material in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts and all non-identical copies.
4. The term "hazardous waste" has the same definition as that contained in Section 1004(5) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*
5. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), and the substance or the subject matter.
7. The term "identify" means, with respect to a natural person, to provide the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

8. "Materials" means all liquid or solid chemical substances (excluding manufactured retail goods) that have been generated, treated, stored or disposed of, or otherwise handled at or transported to the Property, including, but not limited to, all hazardous substances, pollutants or contaminants, hazardous wastes and solid wastes, as defined above, and mercury.
9. "Property" means the properties Guardian Life Insurance Company of America acquired on or about June 6, 1986, from Charles Golding Jr. (Tax Assessor Schedule No. 6435320020) that is referred to as the Mission Trace Shopping Center, located at 3205 South Academy Boulevard, Colorado Springs, Colorado.
10. "You" or "Guardian Life Insurance Company of America" shall mean Guardian Life Insurance Company of America

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. § 9601, *et seq.*, or regulations found at 40 C.F.R. Part 300, *et seq.*, in which case the statutory or regulatory definitions shall apply.

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QUESTIONS AND REQUESTS FOR DOCUMENTS
WIDEFIELD PCE PLUME, CO, SSID# 08-SQ
REQUEST #1

1. Please identify the person or persons answering these Questions.
2. For each and every Question, identify all persons you consulted in preparing an answer.
3. For every Question, identify any documents you consulted or referred to in preparing your answer or that contain information responsive to the Question; and, please provide an accurate copy of all such documents.
4. Describe all interests that you currently have or previously had at the Property, including the following information. To the extent the information requested below is provided in deeds or other documents submitted with your response to this Request, you need not include the information in your narrative response.
 - a. Provide the legal description of properties owned;
 - b. Describe the nature of the interest you own(ed), (i.e. surface, mineral, surface and mineral, fractional ownership, fee title, leasehold, option to buy);
 - c. Identify the entity from which you acquired the interest, and the date you acquired it;
 - d. If you have sold or in any manner transferred all or a portion of the Property, identify the person to whom you sold or transferred the property, describe the property sold or transferred, and provide the date of the sale or transfer;
 - e. If you own or owned a fractional interest in the Property, describe what portion you own or owned and identify the other owners of the Property;
 - f. Please provide copies of all deeds or other conveying instruments by which you acquired or transferred title to the Property.
5. If you leased all or any portion of the property, provide copies of all lease agreements.
6. Describe the nature of your operations/business activities and other arrangements on the Property, both past and present.
7. At the time you acquired any portion of the Property, did you know or have reason to know that any hazardous substance was generated, transported, stored, treated, or disposed of at the Property? Describe all investigations of the Property that you or any other party undertook prior to your acquisition of any portion of the Property and all of the facts on which you base the answer to this question.
8. Describe the acts or omissions of any person, including your employees or agents and including those persons with whom you have or have had a contractual relationship or other arrangement, who may have caused a release or threat of release of hazardous substances (including but not limited to Tetrachloroethylene (PCE)) at or near the Property.

9. Identify all persons, including your employees, who have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal, or other handling of materials (excluding manufactured retail goods) at, or transportation of materials to, the Property.
10. State each and every name, other than El Paso County Retirement Plan, under which El Paso County Retirement Plan or El Paso County Retirement Plan's owners did business on the Property in question.
11. Describe and, where available, provide maps and/or construction drawings that describe the physical characteristics of the Property including that portion of the Property leased and/or operated by Kings One Hour Cleaners or any other dry cleaners, including, but not limited to, the following:
 - a. Surface structures (e.g., buildings, tanks, etc.);
 - b. Groundwater wells, including drilling logs;
 - c. Underground storage tanks and associated piping;
 - d. Past and present drainage system(s), sanitary sewer system(s), tank(s); and,
 - e. The nature and location of any piping or tanks associated with facility operations.
12. Describe any and all additions, demolitions, or changes of any kind to physical structures on, under, or about that portion of the Property leased and/or operated by Kings One Hour Cleaners (e.g., excavation work, tank removal, etc.). Please state the dates on which such changes occurred and who performed them.
13. Provide all technical or analytical information in your possession or control relating to soil, water (ground or surface), geology, geohydrology on and about the Property.
14. Describe all leaks, spills or releases, or threats of releases of any hazardous substances, pollutants, or contaminants that have occurred or may occur at or from the Property, including, but not limited to:
 - a. When such releases occurred or may occur;
 - b. How the releases occurred or may occur;
 - c. What materials were released or may be released? (Include the common name, the chemical name, grade, and chemical composition of the substance. If the substance is known to include impurities or manufacturing contaminants, include these also);
 - d. What amount of each such hazardous material was released;
 - e. Where such releases occurred or may occur;
 - f. All activities taken in response to each release or threatened release.
 - g. All investigations of the circumstances, nature, extent or location of each such release or threatened release, including the results of any soil, water (ground and surface), or air testing that was undertaken; and

- h. All persons with information relating to items a. through g., above.
15. If any release or threatened release identified in response to the above question occurred into any subsurface disposal system or floor drain inside or under any buildings located on the Property, further identify:
- a. Where precisely the disposal system or floor drains are, and/or were, located;
 - b. When the disposal system or floor drains were installed and/or removed;
 - c. Whether the disposal system or floor drains were connected to pipes, and if so, the purpose of such pipes;
 - d. Where such pipes are or were located;
 - e. When such pipes were installed; and
 - f. How and when such pipes were replaced, repaired, or otherwise changed.
16. For each and every above-ground or underground storage tank known to have been on the Property:
- a. Identify the date of installation of the tank at the Property;
 - b. Describe the size and capacity of the tank;
 - c. If the tank is underground, indicate the depth at which it was installed;
 - d. Describe materials that have been stored in the tank, and the dates during which those materials were stored in that tank;
 - e. Describe any spills or leaks that have occurred in connection with the operation of the tank, including date of spill or leak, material spilled or leaked, amount of material spilled or leaked, cause of spill or leak, efforts made to contain and clean up any material spilled or leaked, and any reports filed with any state, local or federal agency regarding any spill or leak.;
 - f. Identify all tests that have been conducted on the integrity of the tank and any pipes connected to it, and provide copies of all reports prepared showing the results of those tests; and
 - g. Identify the date of removal of any tank that has been removed from the Property, and who removed it.
17. Describe any visible contamination or other indications of contamination anywhere on the Property at the time you acquired any portion of the Property.
18. Describe any information related to contamination on the Property that was known to you at the time that you purchased any portion of the Property.

End of Enclosure 1

ENCLOSURE 2

NOTARIZED CERTIFICATE

I, _____, having been duly sworn and being of legal age, hereby state:

1. I am the person authorized by *NAME OF PERSON/CORPORATION RESPONDING* to respond to the Environmental Protection Agency's (EPA) request for information concerning the Widefield PCE Site, Colorado Springs and Security, Colorado.
2. I have made a complete and thorough review of all documents, information, and sources relevant to the request.
3. I hereby certify that the attached response to the EPA's request is complete and contains all information and documents responsive to the request.

(Signature)

(Name)

(Title)

(SEAL)

Subscribed and sworn to me

this _____ day of _____, 2013.

Notary Public

My Commission Expires _____

My address is _____

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <i>RMS</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: SEP 26 2013 J		B. Received by (Printed Name) <i>SEP</i> C. Date of Delivery 30 2013	
2. Article Number (Transfer from service label) 7008 3230 0003 0726 1471		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540			

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Restricted Delivery Fee (Endorsement Required)	
Registered Agent for GuardianLife Ins. Co. of America(#19871008071) Division of Insurance 1560 Broadway Denver, CO 80202	
PS Form 3800, August 2005 See Reverse for Instructions	

7008 3230 0003 0726 1471